

G. R. S. IX-5]

Previous references.

Pt J. 1-67

Later references.

1875
-191.
~~S. & A.~~
pt J.
prison + jails.

File No. | of 1875
Serial Nos. 1-18

65

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Part B for

SUBJECT.

Enhanced rate of pay to Mr. Henderson
Superintendent, Central Jail.

Indexed
9/16

✓ M. Letter No 413 of the 22nd Jan^y 1876. The Financial Dept. State that B. Henderson "is entitled

"to pay instead of pay ~~and~~

"house rent at Rs 100

180 " a month from 31st March 1871 and Rs 100 a month from 31st March 1872.

By this decision B. Henderson is placed in a worse position and he asks that the ruling may be reconsidered specially as to free quarters.

✓ M. Resolution No 1821 of the 31st March 1871. "The Governor

"General observes that the question of free quarters should

"be decided according to the

"spirit of the rule laid down

"for medical officers in the

✓ "orders of the Govt. No 3276

"dated the 24th Dec^r 1867.

"and that accordingly whenever

"quarters at or near a jail

"are available the Supt.

in that order it is distinctly stated that when a medical officer is in charge of a jail he is to have a house free.

who is not a medical officer"
is obliged to occupy them"
he should be allowed
to occupy them but free."

Apart from this a special
reference was made
from this office in 1867. ~
and on 7th January 1868. ~

The Govt. of India sanctioned
"an allowance of Rs 100"
"per annum for house"
"but until public"
"quarters are provided"
"for him." (J. B. Henderson)

It would appear that
the Fiscal kept on
passing the last order
overlooked the fact
that Dr. Henderson
is entitled to free quarters.
Suppose Dr. Henderson
has no choice in selecting
what house he will
live in but must
accept his present

one because of its being
near the Jail.

29/3.

Wm.

Jr. Henderson says that
intended to have sent, in
addition to pay, may be
allowed to occupy the house
provided for him by Govt,
and he also proposes
the winning up of the two
matters, it would be better
here hereafter he should
not draw the house rent
or pay to the house owner,
but that the Govt should
pay for the food and other
expenses as monthly
bills.

Wm.

The above is sent by express at
 8⁰⁰ AM - 11/12/1911

The above is sent by express at
 8⁰⁰ AM - 11/12/1911

[illegible]

The above is sent by express at
the rate of \$100 per ton, delivered at
New York, N.Y., as per invoice.

Mem^o

Home Dept. No 67 dated
14th January 1868.
(P. & J. 1-67.)

From J. d. Comm^{rs} No 1502
d/4th Nov^r/67. ^{133.}

* Supts of Central Jails: 800 Rs.
per mensem, consolidated
allowance, with free quarters
(Page 16 of Home Dept. Selections
put up)

* No 960 d/23rd June 1864.

To Govt Home Dept. No
4456
97 d/8th Nov^r/67.

1. In January 1868, the
Govt of India on the
special recommendation
of the Chief Comm^r, sanctioned
an allowance of 100 Rs.
per mensem to D^r Henderson
as house rent, "until public
quarters are provided for
him". D^r Henderson at
that time claimed the allow-
ance on the strength of the
recommendations of the
Indian Jail Committee of 1864.

* (Vide order on point in May)
The Committee's recommen-
dations were approved by the
Supreme Govt for general
adoption. It was explained

to the Govt of India
that the Supt had necess-
arily to live in close prox-
imity to the Central Jail,
and that quarters would
be provided for him in time.
It was therefore because
free-quarters were not
available that the house
allowance was granted.

2. In October 1872,
the Govt of India sanctioned
the purchase of a house
adjacent to the Central Jail
for 15,000 Rupees. This
house had been under lease
by the Mysore Govt and was
intended for occupation by
the Jail Supt in lieu of the
allowance of 100 Rs for
free quarters, then drawn
by him, but owing to some
misunderstanding with the
Landlord the purchase
of the house was not effected
till now, for 12,000 Rs or
at a saving of 3,000 Rs.

3. In Nov^r 1875, an
application was made to
the Govt of India in the
Foreign Dept on behalf of
D^r Henderson for an in-
creased rate of pay which
he claimed under Financial
Order No 1821 dated 31st
March 1871, which prescribes
a graduated scale of salaries
for all Officers in Charge
of jails. When making this
application it was explained
to the Govt of India that

No 2253 d/17th Oct-72
aba

To Govt For: Dept No 2914
d/26th August/72. 76

No 6438 d/4th Nov^r 1875.
91

D^r. Henderson was appointed to the charge of the Central Jail in 1866, and that his salary was fixed at 800/- per mensem which he was still drawing, with an additional allowance of 100 Rs. in lieu of free-quarters.

N^o 413 d/ 22nd Jan 24/76

4. The Financial Dept^t replied to the above reference stating their opinion that D^r. Henderson is entitled to pay (instead of pay and house rent) at 900 Rs. a month from 31st March 1871, and Rs. 950 a month from 31st March 1872. which rate His Excellency in Council accordingly sanctioned.

marked A

5. In the Resolution N^o 1821 of 31st March 1871, referred to above, and under which D^r. Henderson is elected for the higher rate of pay, the ruling on the point of free-quarters runs thus:—
"The Governor General" observes that the question

"of free quarters should be
"decided according to the"
"spirit of the rule laid"
"down for Medical Officers"
"in the orders of Government,"
"N^o 3276 d/24th Dec^r 1867,
"and that accordingly when"
"over quarters at, or near"
"a jail are available, and"
"the Supt who is not a"
"Medical Officer is obliged"
"to occupy them, he should"
"be allowed to occupy them"
"rent free."

"But this does not involve"
"a right on the part of the"
"Supt to compensation when"
"free quarters are not available."

Again in the orders
quoted above, N^o 3276 of
24th Dec^r 1867, it is laid
down that when a Medical
Officer is to have Medical
as well as Administrative
Charge of a Jail, he is to have
"House free."

6. The Govt of India
evidently grounded their
objections to the House
allowance on that portion
of the above orders under-
-scored

Marked B Copy enclosed
in Dy. Accountant Genl's
letter N^o 48 d/6th April
1876.

but virtually at the ~~time~~
free quarters for the Sept
were available, ~~the~~
sanction for the purchase
of such quarters having
been obtained the ~~the~~
bargain had not been
closed. Had this been ex-
plained at the time, the
objections might have been
removed.

From Jud. & Comm. ^o N^o 3013
df 25th March/76.
322

7. D^r Henderson after
this begged that if his claim
to the higher rate of salary
under the order N^o 1821 of
31st March 1871, together with
free quarters, was not ad-
missible, he might be per-
mitted to adhere to his pre-
sent scale of pay, viz pay
of rank with free quarters
under the Regulations of
Decr. 1864. This was sanc-
tioned, viz that he should
continue to draw the pay
of his rank with house
rent.

To Jud. & Comm. ^o N^o 175
df 7th April/76.
14.

Dy. Acct. Genl. N^o 48
df 6th April/76.

N^o 1684 df 29th May/76.
27

8. Subsequent to the
above at the instance of
the Dy. Acct. Genl, another
application was made to
the Foreign Dept. to allow

Dr. Henderson to draw the
difference between his
Military pay of rank, and
Civil Consolidated pay as
Supt. of the Central Jail. It
was further reported on
enquiry from Govt., that
Dr. Henderson's substantive
pay as Supt. of the Bangalore
Central Jail is that of his
rank as a Surgeon Major of
20 years service, viz. Rs. 1056-9-7, in addition to free
quarters adjoining the jail
which are rented by Govt.
at 100 Rs. per mensem.

The Financial Dept. sanctioned
the grant to him of the
difference (Rs. 6-9-7)
between his Military pay of
rank and Civil consolidated
pay as Supt. of the Jail, but
made no allusion to the
House allowance.

The pay question is therefore
settled, and perhaps the
House question also by the
recent purchase of free-
quarters.

The J. & L. Commr.
now submits a letter
from Dr. Henderson setting
forth his claim to free

From Financial Dept.
No. 2904 d/19th Sept^r 1876.

To Govt. No. 6528 d/3rd
35
Oct^r 1/76.

No. 302 d/23rd Jan^y 77
Copies sent to Dr. Henderson
& Dy. Acct. Genl.

343 d/11th May/77.
40

- quarters which Mr. Gordon states he is entitled to in addition to the salary sanctioned.

W. Reynolds

19/5/77.

The question now raised by Dr. Henderson, if I understand him rightly, is that by his order of 1st July 1876 in his case, "free quarters" have been granted him, in addition to the full battle pay of his rank.

In the reference made to me from this office of the 24th May 1876, the question of "free quarters" was not touched upon, but in the para 4 of the Decree of 18th June 1876, the D. of C. mentions that such was not necessary, as the Gov. provides a free house for the Supdt. of the Laid appears to the Laid is.

The claim to "free quarters" has therefore not been disallowed, and if so, I presume Dr. Henderson has continued to occupy his quarters provided for him by Gov. free of cost, & so that the object of his present reference.

The D. of C. may however be consulted, sending them the Decree.

X and the full to him by reply

Mem^o. II.

SC 12

2018
105 d/ 24th May 1877.

1224 d/ 29th May 1877.

To Jud^g. Comm^r. N^o. $\frac{175}{4}$ d/ 7th April 175.

1. The Jud^g. Comm^r's letter with enclosure ~~2nd~~ was, as directed, referred to the Dy. Accountant General for opinion.
2. Mr. Hudson in reply states that D^r. Henderson in his present application asks for a reconsideration of that made in 1845 for a readjustment of back pay which was referred by the Chief Comm^r to the Govt of India. The decision was adverse, but was accepted by the Chief Comm^r as intimated to D^r. Henderson. As the case is somewhat involved Mr. Hudson thinks it desirable to go into the particulars again, which are as follows. — When D^r. Henderson as an Ass^t. Surgeon, was appointed Supt. of the Bangalore Central Jail in 1866, the pay of the post was specially authorized at 800/ a month, with a free house. Subsequently, under the Financial Dept^y order of 24th Dec^r. 1867 the allowances for Medical Officers

in charge of Central Jails
were fixed thus:-

Ass^t Surgeons of 5 years

standing ——— Rs. 650.

1st Class Surgeons " 850. } with
Surgeon Majors " 1050. } House
free.

Accordingly Dr^r Henderson
being promoted on 20th Feb^y/68
to the rank of Surgeon, he drew
pay at Rs. 850 from that date.

Next by Govt^y order of 31st
March 1871, consolidated salaries
on a rising scale were authorized
for all Officers whether Civil
or Military in charge of Central
Jails viz Rs. 700 rising by
Annual increments of Rs. 50
per month to Rs. 950. Dr^r Henderson
having drawn pay at Rs. 850
claimed in 1875 to draw back
pay on the new scale from
6th June 1870 the date on
which he completed the 14
years service required to
qualify for pay at 900 Rupees
on the ground that as a
Medical Officer appointed
before 1864 he had the option
of drawing the Civil or the
Military rate of pay.

The Govt of India in answer
to Dr^r Henderson's application

Scale of Govt^y order March/71.

6th June 1866 to

1867. at 700

1868 - 750

1869 - 800

1870 - 850

1871 - 900

from 6th June 1871 - 950.

N^o 413 d^y 22nd Jan^y. 1876.

admitted the claim as regards
pay and declared him entitled
to pay instead of pay and house
rent at 900 Rs a month from
31st March 1871 and Rs 950 a
month from 31st March 1872.

3. D^r. Henderson accord-
ingly now addresses himself
to the question of "House rent"
above and the point which
he submits for consideration
is whether it comes within the
meaning of the Govt order
of 31st March 1871. M^r.
Hudson observes that the
house occupied by the Supt.
of the Central Jail was rented
on behalf of Govt as the
official residence of that
Officer and in this view may
be regarded as available free
quarters and if the Chief
Comm^r concurs with him in
this construction of the order
(a copy of which is forwarded)
he thinks the Govt of India
may be moved to reconsider
the decision of 22nd Jan^y 76.
The back pay if allowed with
house rent will amount to
Rupees 6248^{*} - 13 - 9.
M^r. Hudson adds that it

*
Pay drawn from 6th June/70¹
to 19th Feb^y/76 at 850/- = 58215-3-7
Do claimed from 6th
June/70 to 5th June/71.
at 900/- ---- 10800 - -
Do 6th June/71
to 19th Feb^y/76 at
950/- ---- 53664-1-4
64464-1-4
Less drawn 6248-13-9

should not however be over-
looked that on attaining the
rank of Surgeon Major D^o H
has been permitted to draw No.
1056-9-7. the full pay of that
rank, whereas the maximum
scale of 1871 is No. 950 and that
fixed by the Govt. order of
Decr. 167 is No. 1050.

JN
4/6/77.

^L
¹⁴
 The question of house
 rent has nothing to do
 with the pay of the Sept.
 who has drawn less than
 he is entitled to. If the
 Chief Commr. grants to
 Hendersons request an
 increase to India is not
 necessary.

18/10.

W.H.

As the Principal has prepared
 a draft as to the admissibility of
 the claim, the question might be
 referred to the Comr. of
 Gov. by B.P.

W.H. 18/10/76

17 1875.76 86.
 From the Offg. J. Commr.

To
 Secretary to Chief Commissioner,
 General Department.

Dated 23rd September 1875

Despatched 25 " "

Received 25 " "

ENCLOSURES NO 4

General No. 1648 } 1875-76.
 No. 188 }

Forwards for orders and
 application from D. Henderson
 Superintendent Central Jail being-
 ing to notice that he is entitled to
 receive a higher rate of pay than
 that which he at present draws
 together with copy of a letter
 from the Dy Accountant
 General on the subject.

Submitted with reference
 to the 25/10/76
 1875-76

Put up, Secy. State, Ind. Dept.
 No 261 of 9 Aug 1867 - see margin p.
 Para 1 of Resolution in G.O. Proceedings
 No 55/1496 of 18 Dec 76 - by
 Gov of India vide Finance Br
 No 3276 of 24 Dec 1867 -
 Gov of India. Ind. Dept. order of 23
 March 1869 - 8/10

Not recorded
 16/10/76
 16/10/76
 16/10/76

~~was given~~

3. The latter part of the ~~document~~
General's letter refers to a question which
does not at present arise and which it

No. 1648 18
188

Mysore Judicial Commissioners office
Bangalore 23rd September 1875

From,

H. J. Prinsep Esquire
offg. Judicial Commissioner
in Mysore.

To,

The Secretary to the
Chief Commissioner
of Mysore.

Sir,

I have the honor to forward
for the orders of the Chief Commissioner
an application from Dr. Henderson Superin-
tendent of the Central Jail, bringing to
notice that he is entitled to receive a
higher rate of pay than that which he
at present draws, together with copy of
a letter from the Deputy Accountant
General on the subject.

2. It appears to me that the
house allowance can have no relation
to the scale of pay which was determined
upon consideration that free quarters were
given, and it was because free quarters
were not available that the house allowance
was granted—

3. The latter part of the Accountant
Generals letter refers to a question which
does not at present arise and which it

is

* No 690 dated
23rd Aug 1875
(to be kindly
returned).

* No 2871
d/13 Sept 75

19
is not necessary to determine in passing
orders on the application now made -

4. I therefore recommend the
application for favorable consideration -

I have the honor to be

Sir

Your most Obedient Servant.

Wm. W. W.

Offg. Ind. Commissioner

J.P.

N^o. 2871.Deputy Accountant General's Office
Bangalore 13th September 1875

Sir,

The Deputy Accountant General
of Mysore.

To,

The Judicial Commissioner
in Mysore.

Sir,

In reply to your letter N^o. 1396⁷⁹ of the 31st Ultimo, I have the honor to state that although the orders of the Government of India, Financial Department N^o. 1821 dated 31st March 1871 which are quoted ^{herewith returned} by Mr. Henderson in support of his application for a re-adjustment of allowances as Superintendent Central Jail, authorized a salary of Rupees 700/- per month rising by annual increments of Rupees 50/- per month to Rupees 950/- per month, for Superintendents of Central jails of the 1st class holding both administrative and Medical charge, I entertain a doubt whether the claim is admissible as Mr. Henderson has received in addition an allowance of Rupees 100/- per month for the rent of the house occupied by him adjacent to the jail —

2. The Government General Orders

of 4th April 1867 and Financial 24th December 1867 and 17th February 1868 by which the allowances for the charge of Central Jails were originally fixed, for Officers of the Indian Medical Service, according to their rank, provided for "House free" and accordingly the Government of India authorized an allowance of Rupees 100/- as house-rent for Dr. Henderson, but it is by no means clear from the orders of 31st March 1871, which laid down a general scale of salaries for all officers in charge of Jails, that it was intended to allow Officers of the Medical Service the benefit of house-rent, when free quarters are not available, in addition to an enhanced rate of pay -

x
 Assistant Surgeon
 under 5 years 500
 do. above 5 years 650
 Surgeons — 850
 Surgeon Major — 1050

3. Another point deserving of consideration, apart from the question of house-rent is, if Dr. Henderson be permitted to surrender the scale of pay laid down for Officers of the Medical Service and to adopt retrospectively that prescribed in the orders of March 1871, will he be entitled to revert again to the scale of the Medical Service when he attains the rank of Surgeon Major and draw the still higher allowances of that rank.

Surgeon Major
 20 years service 1050
 25 — — — 1090

4. It seems to me reasonable that an

an officer in the position of *Mr. Henderson* should be required to elect either of the two scales of pay once for all, but the question is still open to a difference of opinion as the orders of the Government of India Financial Department of 23^d. March 1869 lay down that "Medical Officers who were in the service on the 7th November 1854 (as was *Mr. Henderson*) have the option of the full batta pay of their rank in lieu of any consolidated civil salaries prescribed in the Government General Orders dated 4th April 1867," but it may be contended on the other hand that the option is not applicable to salaries fixed without reference to the rank of the incumbent in the Medical Service —

I have the honor to be,
Sir,

Your most Obedient Servant.

(Signed) *H. Hudson*
Deputy Accountant General
of Mysore

"Copy"

Atm

Offg. Ins. Commissioner

9
144

23

1875

N^o 64387
91.

From

To

The Secy to Govt of India
Foreign Departt
Calcutta.

Dated 14th

Despatched

Received

Memorandum

ENCLOSURES NO. 2

General No.

No.

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From the Secy to Govt of India
Foreign Departt
Calcutta.

X

1875. 24!

From

To The Secretary to the
Govt of India

Dated 14th Nov 1875 For: ^{For: Sept} Calcutta.
Despatched — a —

Received

ENCLOSURES NO

General No. 62138
No. 917

Sir,

I am directed to
submit for the orders of
H.E. the President in Council
the accompanying copy
of an application from
the Supdt of the Banga-
lore Central Jail for
an increased rate of
pay under the terms of
Jail Order No. 1821 of 31st
March 1871, which provides
a graduated scale of
salaries for all Officers
in charge of Jails.

2 Mr Henderson
was appointed to his
present charge in July
1866, prior to the issue
of the order quoted, &
his salary was
fixed

paid at \$2. 800 per
 month, which we
 continues to draw, with an
 additional allowance of
 \$2 100 per month in lieu
 of free quarters, as sanctioned
 in Finl. Order No. 67 of the 7th
 January 1868.

Handwritten notes:
 11 9.1
 20 9.1
 1.11 20.5
 20.5

3. Under the Revolution of
 an Officer in the position of
 March 1871, Dr. Henderson, who
 holds both the administration &
 medical charge of a 1st. Class Jail,
 is entitled to a salary of \$2. 700 on
 joining, rising by annual increments
 \$2 50 to \$2. 950 per annum in 5 years.

~~The High Policy Committee considers~~

14- that as Dr. Henderson has completed
 more than 9 years service, he should
 be entitled to the maximum
 rate admissible by the Rules
 and, he desires to submit his application for the
 same to the Council for the
 favorable consideration
 of H.C. in Council.

I have &c

Yrs Luby

2
144

26

1876.

Ox 1145

H. 121

From Govt. of India

Financial Department

To

Dated 22^d January 1876.

Despatched

Received 10th March

ENCLOSURES NO.

General No. 413
No.

Sanctions of Henderson's pay
being passed at the rate
of Rs 900 a month from the
31st March 1875 and Rs 950
a month from the 31st March
1872.

Copy of letter to be sent
of this reply by
Sent to the Secy
for rep. to the Secy

11/3
13/3/76

See 6 months with the 10-3-76

m

No 413.

To

The Chief Commissioner of Mysore,
Financial Deptt Sir,

I am directed to acknowledge the receipt of your letter to the Secretary to the Government of India in the Foreign Department No 6438 of the 4th Novr 1875, regarding the pay of Surgeon ^{91st} Major J. Henderson, Superintendent of the Bangalore Central Jail, and in reply to state that the Governor General in Council is of opinion that Dr Henderson is entitled to pay (instead of pay and house rent) at Rupees 900 a month from the 31st March 1871 and Rupees 950 a month from the 31st March 1871 and His Excellency in Council is accordingly pleased to sanction Dr Henderson's pay being passed at these rates.

Fort William }
The 22nd January 1876.

I have the honor to be
Sir
Your most obedient servant,

J. Barber

Under Secy to the Government of India

Ordered that a copy of the foregoing letter be forwarded to the Deputy Accountant General Mysore

recd
22/1.

$\frac{9}{144}$

REGISTERED

28

9643
595

Proceedings of the Offr. Chief Commissioner No.
of March 1876.

Letter No. 6438 of 4th ^{91st}
November 1875 to the
Secretary to the Govt. of
India Foreign Dept. &
Reply thereto No. 413
of 22nd January 1876
from Financial Dept.

✓
14.
No 9643 of 14 March
595
F. D. No.
Sec. Gen.

Ordered that copies of
the foregoing be com-
municated to the
Offr. Chief Commissioner
of Mysore, with reference
to his letter No. 1648 of
23rd Sept. 1875, the origi-
nals of which is with

From the same
to D. A. No. 105
of 20/10/75

Offr. Secy

To Offr. Chief Commissioner
of Mysore

2/14

29

1875/76

P. 1531
318

From

The Offg. Judicial Commissioner
in Mysore

To

Secretary to Chief Commissioner,
General Department.

Dated 25th March 1876.

Despatched

Received 27th March 1876

ENCLOSURES NO

General No. 2013

1875-76

Submits for orders, letters
in original from the Superin-
tendents of the Central Jail,
requesting reconsideration
of the orders of the Govern-
ment of India in regard
to the salary to be drawn
by him.

To Capt. Macdonald
Statement of the case - P. 1531

27/3/76

M

As 3013
322

30 Mysore Judd Commis Office.
Bangalore 25th March 1876.

From

H. S. Prinssep Esq^{re}

Offg judicial Commissioner
in Mysore

To.

The Secretary to the
Chief Commissioner

of Mysore.

Sir,

+ Return to
Jud Comm Office

I have the honor to submit,
for the orders of the Chief Commissioner,
letter, in original, No. 230 of the 21st instant,
from the Superintendent of the Central
Jail, requesting a reconsideration of the
orders of Government, received with your
No. 9643 of the 14th idem, in regard to the
salary to be drawn by him.

2. It could not, I submit, have been
intended to place Dr. Henderson in a worse
position than he has occupied for some
time.

I have the honor to be
Sir

Your most obedient St.
Wich

Offg Judd Commissioner

J.R.

No 195
7 14

Jon.

N.

PAID TO THE ORDER OF THE

31 Mbb
Yth April

To 196
Lut. Comm

No 230 of 21/3/76
Returned to find Comd
Office 11/4/76

Col. H. H. H.

With reference to
3013/322 of 25. 11. 76 and the
Application for Surgeon Major
Henderson herewith enclosed, I
am directed by the Off. of the Comd
to issue him under the restriction
of the 1st of 1871, Dr. Henderson
with a view to draw the money
into of pay sanctioned in Finance
Dep. Order No 1871 of 31 March 1871,
together with free quarters, and
that the alternative course suggested
of the 2nd of 1871 in Para 5 of the
Order of 21 March 1876 may be
adopted, under which he will
continue to draw the pay of his
Rank, with house rent.

No 196

* " 11

Copy to O. G. Acc. Gen. with the
Para 5 of Dr. Henderson's Order
of 21 March 1876, and the

P.B. 1/4 3/4

1/16

1876.

2

The Just. Committee

Dated 7th } April
Exp^d. 22nd 1876
22nd 1876

Respectfully
Obediently to the Order of 26th ult.
Authorized J^r Henderson
drawing the pay of his
rank with house rent.

From pay acc^{ts} of J^r Henderson
To Dec 22nd 1876

10/4

34

J.G.

Deputy Accountant General's Office
 Bangalore 6th April 1876.
 From The Deputy Accountant General
 of Mysore.

To The Secretary to the Chief Commissioner
 General Department

Memorandum

Doctor Henderson, Superintendent
 of the Central Jail Bangalore has
 submitted the enclosed bill for difference
 of pay on promotion to the rank of
 Surgeon Major.

(Copies annexed) 2nd Under Government of India
 Financial Orders No 3276 dated
 24th December 1867 and No 811 dated 17th
 February 1868 which authorized Medical
 Officers in charge of 1st Class Central
 Jails to draw the pay of their rank with
 free house. Dr Henderson appears to be
 entitled to the enhanced pay of his
 present rank Rupees 1056-9-7 per mensem,
 having been appointed Superintendent
 of the Central Jail when those orders were
 in force. But as it may be a question
 whether Dr Henderson should not
 draw allowances on the scale authorized
 by I.G.O. Financial No 1821, dated

x Copy in Secy's Office

35

31st March 1871. I solicit orders before passing the present claim.

3

It will further be seen from J. G. O. Financial No. 846 dated 11th February 1876 (Mysore Gazette dated 26 February 1876) that a Commissioned Medical Officer holding a Civil appointment on consolidated pay - which is less than his Military pay, shall receive the difference between his Civil and Military pay, only if he is prevented from resigning his appointment for public reasons to be approved by the Government of India in the Military Department. It seems necessary therefore, that if P. Henderson be permitted to draw the pay of his rank, the confirmation of the Government of India should be obtained, to his retaining the appointment of Superintendent Central Jail Bangalore.

4. I may add that the question of house rent need not be entered into, as the Government provide a free house for the Superintendent, adjacent to the Jail at a rental of Rupees 100/- per mensem.

Mrs. D. S. S.
Deputy Accountant General
of Mysore

A. E.

Copy (copy attached)

No 3276

B

Government of India
Financial Department

Financial Department 36

Expenditure

Medical

Notification.

Fort William the 24 December 1867.

Resolution.

x

✕

✕

x

The proposals of the Local Governments
and administrations differ somewhat.

The question, however, of the salaries of
Inspectors of Jails, which
most of them raise, has
been settled by the Secretary of State.*

Financial Dispatch N^o 261,
dated 9 July 1867.

Inspectors of jails, which
most of them raise, has

been settled by the Secretary of State. *

The Civil Surgeon's allowance for dispensaries is expressly merged in his new allowances.

The Vaccination allowances are also settled by the General Order above quoted.

The other appointments mentioned by the Local Governments and Administrations are

- 37 Superintendents of Medical Colleges.
- " of Central Jails.
- " of District Jails.
- " of Thuggee Jails.
- " of Lock-ups.
- " of Lunatic Asylums.
- " of Botanical Gardens.

Medical charge of Colleges.
 For these charges, the following allowances
 are sanctioned:—

I — Superintendent } of a Medical } College or
 or Principal } School.
 When a solo charge.

When held by			Salary
Assistant Surgeon	—	—	Rs 800
Surgeon	—	—	1050
Surgeon Major	—	—	1250

When held as an additional charge,
 as at Agra and Maffong — Rs 250

II. — Superintendent of Central Jail.

If the Jail be built for above 1000 prisoners. } As a Civil Surgeon of the 1st class

If the Jail be built for 1000 prisoners, or under that number } As a Civil Surgeon of the 2nd class

The above to include Medical as well as Administrative Charge

X X X

House free

N^o 811.

Government of India.
Financial Department.
Accounts

38

To

The Accountant General. Punjab.

Fort William the 17th February 1868.

Sir,

In reply to your letter, N^o 10675, dated the 10th January 1868, I am desired to inform you that it is an integral part of the orders of April 1867 quoted in the margin,

G. O. Military Department
N^o 370 dated 24th
December 1867.

that the revised scale of salary therein authorized for the Medical charge of Civil Stations shall be given "with an extra allowance for charge of Lunatic Asylums, Colleges, or administrative charge of jails, which will be fixed in the Civil Department," the extra allowances

*Vide Financial Notification
N^o 3276 dated 24th
December 1867.

recently sanctioned in the Home Department* are accordingly admissible with the same retrospective effect as the principal salary which was specified in para 10 of the General Order of April 1867 quoted above.

2. Like retrospective effect is allowed
for the salaries for Medical Officers in
executive charge of Central jails.

I have &c.

Signed E. H. Lushington
Secretary to the
Government of India

Ordered, that a copy of the above
letter be sent to the Accountant General,
North-Western Provinces, in reply to para
4 of his Deputy's letter, No. 17429 P.A., dated
12 Ultimo and with the remark, in reply
to the enquiry in paras. 2 and 3, that the
pay fixed in the late order for Medical
Officers in charge of Central jails, will
necessarily vary with their rank, like
all the other consolidated salaries for
Medical Officers on the revised scale,
and that in no case should any Officers
who were receiving on the 13th November 1866,
higher emoluments than they can draw under
the new scales, be subjected to reduction of their
superior emoluments on the old scale.

Copy to the other Accountants General, and the
Dy. Accountants General in independent charge, also to the
Comptroller General of Accounts. "True Copies"
1867 Deputy Accountant General

Government of Mysore Dr

To Difference of Pay as Surgeon Major of 20 years Service Rs 1050-9-7 from 20 Feb'y to 31 March 1876 inclusive with Section VIII para. 18 & 19 Madras Medical Code.	}	277	13	5
--	---	-----	----	---

<u>Total Rupees two hundred</u> <u>& Seventy four annas thirteen</u> <u>& pice five only.</u>	}	277	13	5
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Bangalore
 1 April 1876
 To

J. Neuensohn Esq
 Sub-intendant
 The Dy accountant Genl Civil & Mil.
 of Mysore
 Bangalore

Contra Basso
for
Jes/Christian
Church Unit.

146

1876.

41

From

11th 29.

To

The Secy. Govt. of India
Foreign Dept.

Dated

29th Simla

Despatched

30 } May

Received

ENCLOSURES NO.

General No.

1684

No.

277

Dr. Henderson Supt.
Central Jail having attained
the rank of Surgeon Major,
approved of his drawing
the enhanced rate of pay
to which he is entitled, is
solicited.

From Secy. Govt. of India

11th 29
2018
105

4.

No. 1684
27.7.

42 Mysore L. L. Office

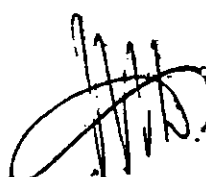
May
29th ~~April~~ 1876

To
The Secy. to the Govt. of India
Foreign Depart^t

Sir

With reference

to the orders of the
Govt. of India ^{Int. Dep^t} ~~N^o 846~~
dated 22nd January
1876, I have the honor
by desire of the Offy.
Chief Commr. to
report that S^r
Henderson the Supt^t
of the Central Jail
at Bangalore who
has held that appoint^t
^{its establishment in}
ment since 1866
attained


17/5.

+ copy attached



attained the rank
of Surgeon Major
on the 20th February
last and, ^{having entered the service prior to November 1864} became
entitled to the pay
of that rank, Rs
1056, per Annum,
~~having entered the~~
~~Service prior to~~
~~November 1864~~. Under
the operation of Final
Order N^o 1723 dated
23rd March 1869 which
allows ^{Medical} Officers so
^{circumstances} situated the option
of drawing the full battle
~~rate of~~ pay of their
rank in lieu of a
consolidated salary.
2. The Consolidated
pay.

“Copy attached

43
pay of the Office as
~~fixed~~ ^{fixed} under the
Finl. Resolution

N^o 3276 dated 24th

* copy attached

December 1867 on the
terms of which Dr.
Henderson holds the
appointment is
Rs 1000 and as it
is most desirable
on public grounds
that Dr. Henderson's
services should be
retained in his
present appointment

I am to solicit the
~~Confirmation~~ ^{approval} of the
Govt. of India thereto.
Have &

3 The Offy (Lef) (Lef)

Wm

20/4/76. oppo. decr.

515

desires me to add that
 as the ruling contained
 in the Feb. 1891 letter
 No 413. of 22 January last
 permitting O'Henderson to
 draw pay as 16 months
 without house rent.
 He was specially sent
 to his office, must be
 his pecuniary disadvantage.
 He has been allowed
 to adhere to the scale
 of allowances ^{on} such
 his app. was originally
 made

900 Rs per m for 31 March 71
 950 " " for 31 March 72

Best copy attached
 (i.e. does not contain
 the ...)

Submitted for
 Ck approval
 M
 20/4

Mr. Bridger Attended to
 attention 20.4.26 A.P.B.

9
146.
a free house, which is
rented by Govt at Rs 1007
Mrs Munder
Chd
29-9-76

My direction that this
note sent to Mr DAS
under docket, seems to
have been overlooked.

Adm. Sec. General.
Dep. Sec. General.
Cg

W.L.
2-10-76.

1876.
From Under Secy. to Govt. of India
To Financial Deptt.

Dated 19th

Despatched

Received 28

ENCLOSURES NO.

General No. 2284
No.

Referring to this office
No. 1084 of 29-May-76
reports that the pay
and other allowances
drawn by D. Munder
may be stated in detail
& informs that the Dy.
Acct. General of Mysore has
be acquainted of these particulars

And the letter to Mr
Munder Docket / 500
for report as the
particulars agreed
in No. 2 of 28/7

D. Munder's
interim pay as Lt.
Colonel is that of
this rank as Surgeon
Major 9200 Rs per
month 1056-9-7.

W.L.
2-10-76.



No 2904

47

To,

The Chief Commissioner of Mysore.

Financial Department

Sir,

In reply to your letter to the Secretary to the Government of India in the Foreign Department No 1684 dated 29th May 1876, making with reference to Financial Notification No 846 dated 11th February 1876, that Doctor Henderson, Superintendent of the Central Jail, Bangalore, cannot be conscientiously permitted to resign his Civil Appointment in order to enable him to draw the pay of his rank, I am desired to refer you to Financial Notification No 1500 dated 7th July 1876, modifying the previous Notification in respect of the officers who entered the Service before 7th November 1864. —

2. — I am at the same time directed to request that you will be good enough to state in detail the pay and other allowances which Doctor Henderson receives; since, in calculating whether he is entitled to any compensation under the operations of the Financial Notification quoted above, it is necessary to take into account the pay and all other allowances which he receives. —

I have the honor to be

Sir,

Your most obedient servant

Yr. Obedt. Servant

The 19th Sept 1876

Barbours
Under Secretary to the
Government of India

Copy

KCO 1879.

Copy sent to the Deputy Accountant
General, Mysore for information and guidance.



Referencer
10/10
In Subordinate
Obtain 28, 7, 13
28/7
11/11

N: 6528
F 35

48
In. C. C. Office
Bangalore 3rd October 1876.

To, The Secy to the Govt of India
Financial Dept.

Similar

Sir, In reply to para 2 of
your letter No. 2904 of the
19th ultimo, I am directed to
state that Dr. Henderson's
prostantine pay as Secy.
of the Bangalore Central
Jail is that of his rank
and pension major of 20 years
service, ^{N^o} Rs. 1056-9-7.
~~With~~ In addition to a free
quarters, adjoining ^{the} Jail ^{are} ~~rented~~
~~house~~ which ~~is~~ ^{are} ~~provided~~ by
Govt at a rental of Rs.
100 per annum.

2/10/76
105.
H. J. Seng

1876. H. 35.

Wheley & the Govt of India
Financial Department
Simla

2/3 October,
sep " 4 " 177

6528 ✓
 735
 In reply letter Nov. 29th
 of 19 letters state Dr.
 Maurice J. Fay, is Dr.
 1056.9 addition
 to preachers.

From the Taverne 23.

2020/8/20

105

My

9
H6

From:

To

1877.

C. 5849 ✓

11/1

Government of India
Financial Dept.

Commissioner of
Mysore

Dated 23rd January 1877

Despatched

Received

ENCLOSURES NO.

General No.

No.

This Office No. 6528 a. 3rd Oct. 1876

Grant to
Lt. Henderson of the difference
between his Military Pay of
and Civil Consolidated
Pay of the Central

Capt. & Surgeon Major
Henderson. a. & O. G.

1/2/77

Mr. C. P. for attention

1-2-77

31/1/77

Recd. 20/3. J.

m

No 302.

50

To The Chief Commissioner
of Mysore.

Jail Depart^t Sir,

With reference to the Correspondence
including with your letter No 6528 dated 3rd
October 1876, I am desired to say that the
Governor General in Council is pleased to sanc-
tion the grant to D^r Anderson of the differ-
(Rs 6-9-7) between his Military pay of
Rank and Civil Consolidated pay as
Superintendent of the Central Jail, Bangalore.

I have the honor to be
Sir,

Your most obed^t Servant

Fort William

The 23rd January 1877

W. M. M. M.

Under Secy to the Govt of India

Copy sent to the Home Depart-
ment and to the Deputy Accountant
General, Mysore.

RCW
22/11

1

No 343
20

Mysore Judl. Commissioners Office
Bangalore 11th May 1877

From J. D. Gordon Esquire C.S.I.
Judicial Commissioner
in Mysore

To The Secretary to the
Chief Commissioner
of Mysore

Sir,

Reference

Secretary's Ac
175-11/4/7th
April 1876.

I have the honor to forward
in original a letter dated the 10th Instant
with its enclosure from Dr Henderson,
on the subject of his pay as Superin-
tendent of the Central Jail and
his claim to "free quarters," and to
state that it appears to me that Dr
Henderson is entitled to receive
"free quarters" in addition to the salary
sanctioned.

I have the honor to be
Sir,

Your most obedient servant

J. D. Gordon

Judl. Commissioner

JP

From

Bangalore.

51

10th May 1877.

J. Anderson Esqr M.D.

~~Esqr M.D.~~

Suptt. Central Jail,

To

offg. Surgeon to the Mysore Commr.

J. D. Gordon Esqr. C. S. I.

Judicial Commissioner of
Mysore,

Sir,

I have the honour to refer to
the Secretary's no. $\frac{9643}{595}$ of the 14th March/76
(under cover of your office no. $\frac{2912}{114}$ of 16th

March/76) forwarding reply of Financial
Department, Fort William, no. 413 of 22nd
dated 23rd 2nd 75 January/76, regarding my application to
draw pay as Superintendent of the Bangalore
Central Jail under G. O. G. G. 1821 of
March/71; ~~the~~ The application was granted
in the above, but precluding "House Rent",
and this, being taken to imply also
the withholding of "free quarters" —
formerly enjoyed, neutralised any
advantage to me from the sanction.

⁺ My letter 21st March
Your letter 25th "
Chf Commr's. 7th Apl.

Subsequent correspondence passed, but the
point (regarding quarters) was not —
referred, and no alteration was made
in the interpretation of the decision,
and, as I was leaving on furlough

to England, I could do no more at that time in the matter.

The decision I ~~would~~ ^{was} led to hesitate (2) to accept partly because it appeared to me to have been given under a mis-apprehension, and was not altogether according to regulations; and partly because by an order published

11^x February 176 (after my application ^{in pursuance of orders regarding medical officers in Civil Employ} went in) it might have been considerably to my disadvantage to do so. A subsequent order, however, 7^x July 176 ^{*modifying above order} (published during my absence on furlough) having removed any drawback, I now beg to be permitted to accept it, and also further to solicit that on the above grounds the matter of "free quarters" may be reconsidered.

I beg to represent that the quarters (3.) occupied by me (being contiguous to the Jail) were of late years leased by the Government as a residence for the Jail Superintendent, & previous to that the rent thereof was granted to him in order that he might ^{so} reside, and I would submit that, under such circumstances, it appears to be ^{un-templated} con-

contemplated: that they shall be
"free" both under these rules of 1871
and under the rules no. 85/1496 of the
24th December 1867. -

(4) It seems to me that such
restriction as ⁱⁿ the above was not
intended to be applied in cases
like this, and that it has here
been incidentally made, only because
the state of the case was not quite
fully known; I would therefore
solicit that I may be permitted
to draw the pay under these orders ^{letter}
irrespective of the rent paid for
free quarters: -

(5) I have lately become acquainted
with a case precisely similar to
my own (the papers of which I
shall submit if required) where
the pay has been thus sanctioned

+ Finl. Dept.
no. 4598
29 July 1874.
16/

I trust I may be excused for
bringing the matter forward again
now, but, having been absent on
furlough and on duty for nearly
a year past, I have not been
able to do so sooner. -

(6) In order that this letter may

not be of undue length, I—
append an explanatory note.—

I have the honour to be
Sir,

Your most obedt. servant.

J. Henderson
Superintendent, Central Jail,
offg. Surgeon to the Mysore
Commission.

Explanatory Note

Point referred:

The ¹⁸⁶⁷ ~~pay~~ having been granted, the point referred is only in regard to quarters - whether they shall be "free" or not in addition. -

Rules.

The Rules of 1867 say - quarters shall be free. - The Rules of 1871 say the question shall be decided in the spirit of the rules of 1867.

Remarks

Quarters may be "free" in two ways, namely: 1.st where a house is built or leased by the Government as an official residence. - 2.nd where the rent is paid monthly for a certain house suitable for an official residence. -

In either case there can, it is thought, be no question as to its being granted in addition to an irrespective of whatever pay may be drawn by the Superintendent. -

The only position where he is debarred from all consideration in this respect is where there is no house available, and - no commensurate advantage, he shall not be entitled to compensation in lieu of free quarters. -

This

This last position ~~was~~ not mine.
I came under the category embraced
by the other two - in that, part of the
time the rent was ^{paid} ~~paid~~ to me,
and part of the time the house was
leased by the Government. -

Therefore it appears to me that
I am entitled to a "free house"
in addition to the pay I may be
allowed to draw. -

J. H. Henshaw
rnr
Supt. Centennial Fair

3
144

1877.

39.

From

9

1. This Office Memo. of 19-5-77 ✓
2. Jnd. Camp. No. $\frac{343}{40}$ of 11th May 1877 ✓
With Two Enclosures.
3. Jnd. Dept. No. 302 of 23rd June 1877
4. Do. No. $\frac{6528}{35}$ of 3rd Dec. 1876
5. Do. No. 2904 of 19th Sept 1876
6. To For. Dept. No. $\frac{1084}{27}$ of 26th May 1876 (with one enclosure)
7. To Jnd. Camp. No. 48 of 6th April 1876.
With Enclosures.
8. To Jnd. Camp. No. $\frac{175}{14}$ of 7th April 76.
9. Do. No. $\frac{3013}{322}$ of 25th March 76
With 1 Enclosure.
10. Do. No. $\frac{9643}{595}$ of 14th Do.
11. To Jnd. Dept. No. 413 of 22nd June 76
12. To For. Dept. No. $\frac{6438}{917}$ of 4 Nov. 75.
13. To Jnd. Camp. No. $\frac{1648}{188}$ of 23rd Sept 75.
With Enclosure.
14. To For. Dept. No. $\frac{2914}{76}$ of 26 Aug 1872
15. To Jnd. Dept. No. 1821 of 31st March 1871
16. Do. No. 1723 of March 1869.
17. To Home Dept. No. 67 of 14th Jan 1868.
18. Do. No. $\frac{4456}{97}$ of 8th Nov. 1867
19. To Jnd. Camp. No. $\frac{1502}{133}$ of 4th Do.
With Enclosure.
20. To Home Dept. No. 960 of 23rd Jan 64
21. Gazette of India 4 pages 367-370 of 8th July 1876.
22. Do. pages 83 to 86 of 12th Dec 1876.

To The Secy General

Dated 24th May 1877

Despatched 25th "

Received

Enclosures No. 1 file of

General No. 2018 ✓

3 No. 105

Letter from the Jnd. Camp

No. $\frac{343}{40}$ of 11th May 1877 with

two Enclosures for Mr. Anderson

On the subject of his pay as

Acting Colonel, and his

claim to free quarters &c.

I enclose the above together

with the file of papers connected

therewith, as marginally specified,

for opinion.

Enclosures to be returned.

By order

23/5/77

W.C.

W.C.

W.C.

W.C.

W.C.

W.C.

W.C.

^{2/4}
 explained, the Govt might
 have acceded to the
 request - in which case
 I might have been settled
 on the difference of
 pay up to the date when
 he attained the rank of
 Major Major then as
 awarded by Mr Hudson,
 he succeeded to the pay &
 allowance of the preceding
 rank, as was in his
 power to do.

he got the matter over, it
 might be necessary to explain
 the delay in the case referring
 to the case was due to the
 absence in person of the
 officer to his being ascertained
 since his return that there
 was a precedent to his
 claim in the case of D. D. as
 a copy of his ~~correspondence~~
 will be.

The circumstances
 of the case
 have been referred to
 the Hon. Secy. of the
 Govt. for their
 consideration. It is
 the duty of the
 Secy. to report to the
 Govt. and it is the
 duty of the Govt. to
 decide. The Hon. Secy.
 has been very kind
 in his report. He has
 stated that the case
 is a very unusual one
 and that it is not
 clear whether the
 claimant is entitled
 to the benefit of the
 rule. He has also
 stated that the
 claimant has been
 very patient and
 that he has been
 very kind in his
 report. He has also
 stated that the
 claimant has been
 very patient and
 that he has been
 very kind in his
 report.

1877. D. 1077
 The Deputy Accountant General
 in Mysore.
 To 814
 The Offg. Secretary to the Chief Commr.,
 General Department.
 Dated 29
 Despatched } May
 Received }
 Enclosures No. 1. with file of
 General No. 1224
 No.

Submitting a report
 (with correspondence) on
 the subject of Dr. Henderson's
 pay, as Supdt. Central Jail
 and his claims to free
 quarters.

Dr. Henderson's present
 application for a remission of
 part of his Govt. pension
 letter of 22 Jan'y 76 when
 while applying to S. H. D. for
 his salary & his administration
 several charges of the Jail
 at the Androdesia which
 according to the No. of 31 March
 1871, require to be paid allow
 house rent. S. H. says
 that the house occupied
 by him was an office
 residence & apart by
 the law for the purpose,
 he is entitled to free quarters
 he adds that he has been
 the term of 2 years of 1871
 & has been...

Deputy Accountant General's Office
Bangalore 29 May 1877

From

The Deputy Accountant General
in Mysore.

To

The Secretary to the Chief Commissioners
General Department.

Sir,

In reply to your despatch N^o 2018-105
dated 24th Instant, I have the honor to
state that in his present application
Dr. Henderson asks for a reconsideration
of that made in 1875 for a readjustment
of back pay, which was referred by the
Chief Commissioners to the Government of
India. The decision was adverse, but
was accepted by the Chief Commissioners
as intimated to Dr. Henderson in your
letter to the Judicial Commissioners N^o 175
dated 7th April 1875. 1876

As the case is somewhat involved, it may be desirable to go into
the particulars of it again. When Dr.
Henderson as an Assistant Surgeon was
appointed to be Superintendent of the
Central Jail Bangalore, in 1866, the pay
of the post was specially authorised

See your N^o 6438
of 4 November 1875
and Government
Reply N^o 413 of 22nd
January 1876.

61

at Rs 800 with a free house, the rent of which was paid by Government, subsequently under Government of India Financial Department Order dated 24 December 1867, the allowances for Medical Officers in charge of Central Jails were fixed thus:—

Assistant Surgeons of 5 years

	Standing Rs 650/-	} with House free.
1 st Class Surgeons	850/-	
Surgeon Major	1050/-	

Accordingly from 20 February 1868, being promoted to the rank of Surgeon, Dr. Henderson drew pay @ Rs 850/- per month. Next, in 1871, by Government Orders dated 31st March consolidated salaries on a rising scale were authorised for all Officers whether Civil or Military in charge of Central Jails viz Rs 700, rising by annual increments of Rs 50 per month to Rs 950. Dr. Henderson therefore having

Scale of Govt Order March 1871

6 June 66	
to 67	@ 700
68	" 750
69	" 800
70	" 850
71	" 900
from 6 June 71	" 950

drawn pay at Rs 850, claimed in 1875 to draw back pay on the new scale from 6 June 1870, when he completed the 14 years service required to qualify for pay

at Rs 900, on the ground that, as a Medical

Medical Officer appointed before 1864, he had the option of drawing the Civil or the Military rate of pay.

The Government of India ~~has~~ in answer to Dr Henderson's application admitted the claim as regards pay, and declared him "entitled to pay (instead of pay and house rent.)

@ Rs 900/a month from 31st March 1871, and Rs 950/a month from 31st March 1872." Dr Henderson accordingly now addresses himself to the question of "house rent" alone, and the point which he submits for reconsideration is whether it comes within the meaning of the Government order of 31st March 1871, a copy of which I submit with this letter. The house occupied by the Superintendent Central Jail was rented on behalf of Government as the official residence of that Officer, and in this view may be regarded as available free quarters; and if the Chief Commissioner concurs in this construction of the order, the Government of India

No 413 dated 22nd January 1876.

N.B. The back pay if allowed with house rent, will amount to Rs 621,8-13-9.

Pay drawn from 6th June 1870 to 19th February 1876 @ 850/- 58,215-3-7

- 80/- claimed from 6th June 1870 to 5 June 1871 @ 900/- - - - - 10,800/-

- 80/- 6th June 1871 to 19th Feby. 1876 @ 950/- 53,664-1-4

64,464-1-4

Less drawn 621,8-13-9

63

India may be moved to reconsider the decision of 22nd January 1876.

It should not however be overlooked that on attaining the rank of Surgeon Major, Dr. Henderson has been permitted to draw Rs. 1056-9-7 the full pay of that rank; whereas the maximum of the scale of 1871 is Rs. 950/ and that fixed by the Government Order of December 1867 is Rs. 1050/. The difference was sanctioned in Government orders to your address No. 302 dated 25th January 1877.

(Enclosures returned.)

I have the honor to be,

Sir,

Your most obedient servant.

W. M. H. G.

By Assistant General
in charge.

46.

N^o 1821.

64

Government of India
Financial Department
Expenditure
Medical

Fort William, the 31st March 1871.

Read—

An office Memorandum from the Home Department, N^o 216, dated the 14th February 1871, forwarding, for consideration and orders, a letter from the Government of Madras, relative to the grant of free-quarters and a higher allowance to Superintendents of Central Jails when they are not Medical Officers.

Resolution— The Governor General in Council observes that the question of free-quarters should be decided according to the spirit of the rule laid down for Medical Officers in the orders of this Government, N^o 3276, dated the 24th December 1867; and that accordingly, whenever quarters at or near a jail ^{are} available, and the Superintendent, who is not a Medical Officer, is obliged to occupy them, he should be allowed to occupy them, rent free. But this does not involve a right on the part of the Superintendents to

to compensation when free-quarters are not available.

2. In considering the other request of the Madras Government, which re-opens the whole question of the allowances for the charge of Central Jails, His Excellency in Council observes that it is not proper to deviate from the principle laid down in the Resolution of the Financial Department of 24 June 1868, No. 1065, namely, that the aggregate cost of the administrative and medical charges, when held separately shall not exceed the total sum payable when both charges are combined, in the same person. Nor is there any reason to alter the rule in the Resolution of the Home Department, No. 819-831, dated the 16 June 1869, prescribing for the separate medical charge of a Central Jail an allowance of Rs. 100 a month, or in special cases, at the discretion of the local Government, Rs. 150 a month.

3. But the mode of fixing the salary of a Superintendent for the united charge was adopted at a time when the office was reserved exclusively for the Medical Service. When, however, it was decided in the Resolution of the 16 June 1869 (above quoted) that non-medical men, when available, should

should be employed in preference to medical men as Superintendents of Central Jails, the scale of salary which had been fixed with reference to the Officer's rank in the Medical Service became wholly inapplicable, and it is now proper to supersede that scale by one fixed solely with reference to the duties to be performed:

4. Accordingly, His Excellency in

1st class to contain 1,000
Convicts and upwards.

2^d class to contain less than
1,000 Convicts—

Council, considers that for the two classes of Central Jails, shown in the margin, the scale of salary of the

united Medical and administrative charge should be as follows:—

1st class. Rs. 700 per mensem, rising by annual increments of Rs. 50 a month to Rs. 950 a month.

2^d class, Rs. 550 per mensem, rising by annual increments of Rs. 50 a month to Rs. 700 a month.

5. In fixing this scale, His Excellency in Council is aware that, under the powers recently conferred on local Governments, it will be open to the Madras Government, after 1st April next, to assign lower rates of salary if it be considered that efficient service can be procured

for

for lower remuneration.

Ordered, that, a Copy of this Resolution
be sent to the Home Department, and
to the several Accountants General
and the Deputy Accountants General
in independent charge.

Ld. R. W. Hollingbury
Asst. Secy to the Govt.
of India.

Copy -

A. M. S.
Chief Assistant to the
Secy to the General in Mysore.

HE,
✓

General No 2872 M. C. C. Office
Bangalore 19th June 1877.

To the Secy to the Govt. of India
Financial Dept.

8/1

Sir

In the instructions to accompany
copy of a letter of the
10th Decr from Surgeon Major
J. Henderson, Capt of the

~~dated 10th May 1877~~

Encl at San Bangalore
The address of the
Commr, I am desirous
of the Capt. and to which
has been in answer there
letter, both of the
may please to record
the part of the decision
in his case communicated
to Mr Henderson Barlow
letter to 413 of 22 Jan
1876, which while conceding
that J. Henderson is dead
of cerebral fever
pay a pension to his
family of Centre and back
pay of 31 years
1871, but held the claim
to have been also, & unpaid
free quarters -

2. his pay letter to 6438
91 of

Referring to your letter No
413 of 22nd Jan 1876, I am
directed by the Chief Comr.
to submit the accompanying
application from Surgeon Major
J. Henderson M.D., Capt of the
Central Jail, Bangalore, and
Offy Surgeon to the Mysore
Commission, soliciting a
reconsideration of his applica-
tion for a gratuity
of back pay, which was
submitted to the Govt of India
in the Foreign Dept. with this
Office letter No 6438 of 4th
November 1875 and the order
passed thereon communicated
in your letter quoted above.

2. Having consulted the
Jy. Secy to the Govt. in the matter,
the Chief Comr. deems it necessary

the house - which was in
very respect, well adapted
as the official residence
of the Supr.; and has
moreover been very recently
purchased for Rs 12,000,
~~but~~ induces the Govt
to rent it to the local Govt
on certain terms at Rs 100
per mensem, and the
building has been since
last time, public quarters
for the inclusion of the Supr
of the Jail.

4. The Govt of India having
in G.O. No. 413 of
22 Jan 1876 acceded to the
application of Dr Henderson
to draw his salary in accordance
with the scale of pay for
the ~~Supr~~ order of Govt of
31 March 1871, the object of
the present reference, I am
satisfied, is to obtain for
him the further concession
which Dr Henderson
conceives him to be entitled
of being ~~also~~ allowed free
quarters in addition to
his ~~present~~ pay of the grade of pay.
Kodakha has. Of this
the Comdant, and the Supr
are aware of ~~as~~ a
parallel case in which it has
been sanctioned by the
Govt of India, Dr Henderson
himself is entitled to draw
the difference of pay between
his late position and the rate of

pay, by Govt Order dated
31st March 1871, Consolidated
Salaries on a rising scale
were authorized for all Officers
whether Civil or Military
in Charge of Central Jails,
viz Rs 700 rising by annual
increments of Rs 50 per month
to Rs 950. Dr Henderson therefore,
having drawn pay at Rs 850,
claimed in 1875, to draw
back pay on the ~~same~~ ^{new} scale
from 6th June 1870, when he
completed the 4 years service
required to qualify for pay
at Rs 900, on the ground that
as a Medical Officer Ap-
pointed prior to 1884, he
had the option of drawing
the Civil or the Military rate
of pay.

4. In G.O. No. 413 of 22nd
January 1876, the Govt of India
admitted Dr Henderson's
claim as regards pay and
declared him entitled to pay
(instead of pay and pension)

at Rs 900 a month from
31st March 1871, and Rs 900
a month from the 31st March
1872.

5. In his present application
Dr. Anderson confines
himself to the question of
"House rent alone, and the
point which he submits
for reconsideration is
whether it comes within the
meaning of Govt Order
of 31st March 1871 & 1871.

The house occupied by the
Supt. of the Central Jail,
Bangalore, was rented on
behalf of Govt. as the
official residence of that
Officer, and in this view
the Chief Commr. thinks
may be regarded as avail-
able free quarters.

6. I am pleased to add
that, on attaining the rank
of Surgeon Major, Dr. Anderson
has been permitted to draw
Rs 1056-9-7 the full pay

of

Govt house for Rs 200 of
24 Dec 1867, and then
claimable under the order
of 31st March 1871.

~~Dr. Anderson's application~~
Dr. Anderson
Dr. Anderson states, completely
to the Govt. service, but letting him
to pay on the graded scale
at Rs 900 p.m. in excess of
6 June 1870, and to the
further increment of Rs 50
p.m. 6 June 1871. A
Statement of the arrears
payable is appended in
the margin.

5. In explanation of the
delay in asking for a reconsideration
of the order communicating
to the effect of the 22 July 70
under reference, I am
satisfied in explaining
Dr. Anderson in his letter
recently submitted. It is
evident, as remarks of this
Office, that it was not then
open to his advantage to accept
the consolidated scale of
pay under his restrictions
contained in that order &
being about him at the
time (I explain) a proposal
he took no further action
in the matter. His attention
has been very recently drawn
to the parallel case of
another, in Dr. Anderson
may satisfy of the sufficiency
of his explanation and
desires to recommend him.

of that Rank, whereas
 the maximum of the scale
 of 1871 is Rs 950, and that
 fixed by the Govt order of
 Decr 1867 is Rs 1,050.-

Pay drawn from 6 June 1870 to
 19 Feb 1876 at 850 p.m. = 58215.3
 & claimed from 6 June 1870
 to 5 June 71 at 900 p.m. Rs 10800
 from 6 June 71 to 19
 Feb 1876 at 950 = 53664.14
 Pay drawn Rs 248.13.9

The difference was sanctioned
 by the Govt of India and Com.
 communicated in your letter
 no 302 of 23rd Jan 1877.-

y. In conclusion, I am
 directed to explain that
 the delay in submitting this
 reference for the orders of
 the Govt of India, was owing
 to the absence on furlough
 of Dr. Andersen, as well
 as to the fact of his having
 ascertained, since his return
 in October 1876, that there
 was a precedent for the
 claim now preferred in
 the case of Dr. Law, as
 Supt of the Central Jail,
 Nagpur.

* before application
 for the payment of
 arrears of the Govt of India
 to I am directed to state
 that under the Indian
 Revenue & Finance Act
 Chap. 100 of 1864, Dr. Andersen
 has been permitted having
 attained to rank of
 Surgeon Major, ~~with~~
~~to understand~~, that
 pay to be ~~ascertained~~
 to be under the prov.
 of the Govt order of
 Decr 1867.

Mr
 Approved
 15-6-77

8/6/77 led W. J. J. J.

1877

N^o 12

To The Secy. to the Govt. of India
Financial Dept.

22nd Sept 1877

22nd Sept 1877

Approved

10th June

19th June

Signed & despatched 20th June
Encl: 1. No. 222. 25th June. Total Rs. 2872
copy of 10-5-77. 12.

Solicits a reconsideration
of the question for a readjust-
ment of back pay on
behalf of Surgeon Major
Anderson. M.D. Supt.
of the Central Jail.

From Surgeon Major Anderson

Reference
From Dy. Asst. Secy. N^o 1224
19th May 1877.

2
m

N^o.

9
H-4.

1877. O. 2755
13

From Secy. to Govt of India,
Financial Dept.

To Ch. Commr of Mysore.

all

Dated 29 August 1877.

Despatched

Received 30 11/1
31 11/1

Enclosures No.

General No. } 1877.
No.

Telegram. Inquires what pay,
exclusive of house-rent allowance,
Dr. Henderson drew on the 21st March
1877.
See

Telegraph reply
3/1

31st

TRAFFIC CODE FORM CI.

Class. *3* INDIAN TELEGRAPH. Local No. *132*

To (Station) *Bangalore* FROM (Station).

No. Words. Time tendered for transmission. (Madras time.) OFFICIAL INSTRUCTIONS.—
 Day. H. M.
30 29 16 40

To (Person) *Chf Commr* FROM (Person) *Financial*

1 <i>your</i>	2 <i>letter</i>	3 <i>no</i>
4 <i>2872</i>	5 <i>12</i>	6 <i>dated</i>
7 <i>19th</i>	8 <i>June</i>	9 <i>1877</i>
10 <i>please</i>	11 <i>state</i>	12 <i>the</i>
13 <i>pay</i>	14 <i>exclusive</i>	15 <i>of</i>
16 <i>house</i>	17 <i>rent</i>	18 <i>allowance</i>
19 <i>which</i>	20 <i>Dr</i>	21 <i>Henderson</i>
22 <i>draw</i>	23 <i>on</i>	24 <i>the</i>
25 <i>21st</i>	26 <i>March</i>	27 <i>1871 +</i>
28	29	30
31	32	33
34	35	36 <i>+ repeated</i>

RECD. FROM _____ (L. L.) SENT TO _____ (L. L.)
 At _____ H. _____ M., on the _____ At _____ H. _____ M., on the _____
 By _____ By _____

Date *33-8-77* *attch* Telegraph Master.
 (P. 1)—Govt. Tel. Press,—No. 563,—20-11-76,—1000000.

See for details
in vol after
ascertaining the
necessary particulars
when from the Dept
has sent on if
hears any from Capt
he takes it to Mr. Hudson

30.8.77

Wm

Followed - in action

31.8.77

I have ascertained
please see ship put up
stop the pay & clearance
of house rent & clearance
drawn by Dr Henderson
on the 21.5.1877
The sum Rs 850. -

S
H-4

Telegram
187

N. 24

From

To India Finl. Depart
Sewla

Dated 31st August 1877
Despatched

Received
R.P. to Sept 1877.
Enclosures No.

General No. 5630
G No. 787

247

Pay, exclusive of house rent
allowance drawn by
J. Henderson on the 2nd
March 1871 - 2/8

2/8

pay 850
House allowance 150
450

No. 5630. INDIAN TELEGRAM.

9/787
To (Station)

Simla

To (Name)

Financial

Dated

31st Aug. 187

Your telegram of yesterday. Dr. Henderson drew as pay Rupees 850 on 21st March 1871 ex-
-closure of House rent allowance.

Ans by

For appl.

Secretary

for Chief Comr.

H-4

0.33015

58

1877.

From Under Secy. to Govt of India,
Financial Dept.

To Commr. of Mysore.

Dated 1877.

Despatched

Received 1877.

Enclosures No.

General No. 3223 1877.

Re: the pay & house-rent allowance of Surgem. Major J. Henderson, Supdt. Bangalore Central Jail.

Mr. Reynolds for at-
tention.

3-10-77

Attended to

3-10-77.

4th

m

X

N^o 3222

79

To

The Chief Commissioner
MysoreSmt. Dept^y Sir,

I am directed to acknowledge the receipt of your letter N^o $\frac{2872}{712}$, dated 19th June 1877, submitting, with your support, an application from Surgeon Major J. Henderson, Superintendent of the Central Jail at Bangalore, for a reconsideration of the orders of the Government of India, contained in my letter N^o 413, dated 22nd January 1876, regarding his pay and house rent allowance, and in reply to communicate the following orders.

2. The ruling of the 22nd January 1876, authorised Surgeon Major Henderson's admission to the progressive scale of pay sanctioned for Superintendents of Central Jails in the Resolution of the Government of India, Financial Department, N^o 1321 dated 31st March 1871, and that ruling proceeded on the principle, that Surgeon Major Henderson should count service towards his next increment of pay from the date on which the progressive



progressive scale of pay was introduced; that is, he should receive an increment on this scale, over the pay drawn by him on the 31st March 1871, from the 31st March 1872. This pay was on the authority of your letter No. 6438/917, dated 4th

November 1875, assumed to be Rupees 800 a month, but it was overlooked by the Government of India that the statement, which accompanied your letter, showed that on the 31st March 1871, Surgeon Major Henderson was in the receipt of pay at the rate of Rupees 850 a month, that being the pay to which he had previously become entitled under the Resolution of the Government of India in the Home Department, No. 35-1499, dated 18th December 1867.

* The pay sanctioned in April 1866 for the appointment.

The oversight was due to the incorrect statement in your forwarding letter which you have subsequently though not explicitly corrected in letter dated 17th June 1877 and by your telegram of the 1st September 1877.

In accordance, therefore with the principle of the orders of the 22nd January 1876, and in supersession of those orders, the President in Council is pleased to allow Surgeon Major Henderson to draw pay as Superintendent of the Central Jail at Bangalore, at Rupees 900 a month from the 31st March 1872 and at Rs 950 a

81

a month (the maximum pay) from the 31st March 1873 up to the 20th February 1876, from which date he completed service entitling him to the grade pay of his rank in the Army.

4 Regarding Surgeon Major Henderson's claim to House rent allowance, I am to say that it is open to question whether the allowance of Rupees 100 a month sanctioned in the Resolution of the Government of India, Financial Department, No. 67 dated 7th January 1868 was admissible to him from the date on which he took advantage of the scale of pay sanctioned on the 18th December 1867, as the allowance was sanctioned only in addition to the special pay of Rupees 800 a month originally fixed (in the year 1866) for his appointment. As house rent has however been drawn by Surgeon Major Henderson, the President in Council will not require its refund. These orders do not affect in any way Surgeon Major Henderson's claim to free quarters for any time during which he occupied such quarters.

5 From 31st March 1871, however, Surgeon Major Henderson had an undoubted right to receive house rent allowance, the principle having been distinctly set forth in orders No. 2213 dated 12th December

December 1872 and No 113 dated 19th February
1873. His claim against Government must be
regulated on the principles set forth in paragraphs
3 and 4 of this letter.

I have the honor to be,

Sir,

Yours most obed^t servant

J. S. S. S. S.

Offy: Under Secretary to the
Govt of India

Copy forwarded to the Deputy Accountant
General, Mysore, with a request that the
details of the adjustment may be reported
to this office.

Copy to be forwarded
to Mr. Henderson for his
info & with a view to
the adjustment of his
claim as a land
owner. Sept 8th 1873.
On the principles herein
laid down
3 10. 77

A/6
20/9.